



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa2511/1  
KSH:jl&kg:jf

**SENATE AMENDMENT 2,  
TO 1997 SENATE BILL 369**

April 30, 1998 – Offered by Senator RUDE and SCHULTZ.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 3, line 11: delete lines 11 to 14 and substitute:

3           “(3) NOTICE OF INTENT TO CLAIM LIEN. A broker has a lien under sub. (2) (a) or  
4 (b) only if the broker files or records a written notice of intent to claim a lien under  
5 this section at the office of the register of deeds for the county in which the  
6 commercial real estate is located and delivers a copy of the notice to the person owing  
7 the commission under sub. (2) (a) or (b). A broker has a lien under sub. (2) (c) only  
8 if the broker provides a written notice of intent to claim a lien under this section to  
9 the person owing the compensation under sub. (2) (c). All notices required under this  
10 subsection shall contain the name of each party to the agreement under which the  
11 lien is claimed, the date that the agreement was entered into and a brief description  
12 of the commercial real estate on which the lien is intended to be claimed. All notices  
13 required under this subsection shall be provided within the following time periods:”.

1           **2.** Page 3, line 15: on lines 15 and 17, delete “72 hours” and substitute “30  
2 days”.

3           **3.** Page 3, line 23: delete lines 23 and 24 and substitute “commercial real estate  
4 is located. The lien must be perfected no later than the following:”.

5           **4.** Page 4, line 1: delete lines 1 and 2 and substitute:

6           “1. In the case of a lien under sub. (2) (a) or (b), 3 days prior to the date that the  
7 conveyance documents are recorded with the register of deeds in the county where  
8 the real property, that is the subject of the listing contract or buyer agency contract,  
9 is located.

10           2. In the case of a lien under sub. (2) (c), 90 days after the later of the following:”.

11           **5.** Page 4, line 3: delete “2.” and substitute “a.”.

12           **6.** Page 4, line 4: delete “subdivision” and substitute “subd. 2. a.”.

13           **7.** Page 4, line 6: delete that line and substitute “lease or management  
14 agreement.”.

15           **8.** Page 4, line 7: delete “3.” and substitute “b.”.

16           **9.** Page 4, line 9: delete “subdivision” and substitute “subd. 2. b.”.

17           **10.** Page 4, line 10: delete that line and substitute “that the payment of it is  
18 due under the”.

19           **11.** Page 4, line 11: delete “or the”.

20           **12.** Page 4, line 21: after “(a)” insert “A lien under this section is effective only  
21 from the date that it is perfected under this subsection.”.

22           **13.** Page 4, line 25: after that line insert:

1           “(4m) DUTY OF REGISTER OF DEEDS. If a notice of lien meets the requirements  
2           under sub. (4), the register of deeds shall accept the notice of lien for filing. The  
3           register of deeds shall index the notice of lien under the name of the owner or acquirer  
4           of the commercial real estate who is subject to the lien. If the register of deeds  
5           maintains a tract index, the register of deeds shall also index the notice of lien under  
6           the legal description of the real estate against which a lien is claimed.”.

7           **14.** Page 5, line 2: delete lines 2 to 4 and substitute “on the commercial real  
8           estate, except tax and special assessment liens, liens created under subch. I of ch.  
9           779, purchase money mortgages, liens that are filed or recorded before the lien under  
10          this section is perfected and any other lien given priority under the law.”.

11          **15.** Page 5, line 5: delete lines 5 to 19 and substitute:

12          “(8) SATISFACTION OF THE LIEN. (a) Upon the request of any person interested  
13          in the real estate that is the subject of a lien under this section, the broker shall  
14          execute and deliver a satisfaction of lien to the interest party, if one of the following  
15          conditions is met:

16                1. The person owing the commission or compensation pays the broker in full  
17                the amount specified in the notice of lien.

18                2. The person owing the commission or compensation pays an amount equal  
19                to 125% of the commission or compensation owed into the trust account of the broker  
20                of the trust account of any attorney who does not represent any party to the dispute  
21                and who is in good standing with the state bar of Wisconsin. The moneys shall be  
22                held in escrow until disbursed pursuant to the written mutual agreement of the  
23                parties or pursuant to a court order.

1           3. If the parties to the contract or agreement giving rise to the lien agree to  
2 binding arbitration regarding the disputed commission or compensation and if the  
3 parties to the contract or agreement, other than the broker, agree to pay all of the  
4 costs of the arbitration.

5           (b) Upon the filing of a satisfaction of lien under par. (a) with the register of  
6 deeds, the register of deeds shall index the satisfaction under the name of the owner  
7 or acquirer of the commercial real estate who was subject to the satisfied lien. If the  
8 register of deeds maintains a tract index, the satisfaction shall also be indexed under  
9 the legal description of the real estate against which the lien was claimed.

10          (c) A broker is liable to a person requesting a lien satisfaction under this  
11 subsection for a sum equal to 50% of the sum claimed in the lien claim, if the broker  
12 does not provide the requested satisfaction within 30 days of the later of the  
13 following:

14           1. The date on which the request is received by the broker.

15           2. If the satisfaction is required under par. (a) 1., the date on which the broker  
16 receives payment in full of the amount specified in the notice of lien.

17           3. If the satisfaction is required under par. (a) 2., the date on which the broker  
18 receives evidence that the requirements under par. (a) 2. have been met.

19           4. If the satisfaction is required under par. (a) 3., the date on which the broker  
20 receives the agreement to binding arbitration.

21           5. If the satisfaction is required under par. (a) 3., the date on which the broker  
22 receives evidence of payment of the arbitrator's fee.”.

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(END)